IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3336 of 2005

Between:

Dr.M.A.Naim, S/o.Late Sri M.A.Raheem,
H.No.8-3-833/30, Kamalapuri Colony,
Hyderabad.

..... PETITIONER

AND

1 The Mandal Revenue officer, Moinabad Mandal, Moinabad, RR District.
2 The Asst. Director, Land Records & Survey Settlement Ranga Reddy District, Lakdi Ka Pul, Hyderabad.
3 Smt. Anwari Begum W/o.Late Ahmed Khan,
R/o.10-2-347/B, Asif Nagar, Hyderabad.
4 Smt Sama Pentamma, W/o.S.penta Reddy,
R/o.Murtuzaguda village, Moinabad Mandal, RR Dist.
5 Sri Sama Mohan Reddy, S/o.S.Penta Reddy,
R/o.Murtuzaguda village, Moinabad Mandal, RR Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or orders or directions more particularly in the nature of writ of Mandamus declaring the action of 1st and 2nd Respondents in creating rights in my lands within survey number 104 of Murtuzaguda village Moinabad Mandal, Ranga Reddy dist in favour of 3rd Respondent as illegal, arbitrary, violative Article 14, 300A of the Constitution of India and section 4 of the Andhra Pradesh Rights in Land and pattadar pass Books Act 1971 read with rule 26 (6) of AP rights in land & pattadar pass Books Rules 1989, and against the general principles of natural justice and violating the principle of Audi Alteram partem and consequently direct the 1st and 2nd respondents to delete the name of 3rd Respondent from their records and issue pattadar pass Book and Title deeds to petitioner and to pass such other further

orders as this Hon'ble court deems fit, proper and just in the circumstances of the case in the interest of justice.

Counsel for the Petitioner : MR. RAYEECE M.A.KHADHIR

Counsel for the Respondents 1 & 2 : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.3336 OF 2005

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ORDER :

This writ petition is filed aggrieved by the order passed by the 1st respondent – Mandal Revenue Officer, Moinabad Mandal, dated 9-6-2000 determining the Record of Rights in favour of the third respondent herein in respect of the land to an extent of 4 acres situated in Sy.No.104 of Murtuzaguda village, Moinabad Mandal in accordance with the Sale Deed dated 20-06-1967 and directing necessary changes in the revenue records while deleting the name of one P.Yellaiah. The petitioner who claims ownership contends that the impugned order dated 9-6-2000 was passed without notice to him and at any rate the said order directing mutation of the records on the basis of the Sale Deed of the year 1967 is arbitrary and illegal and contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act').

At the outset, it is to be noted that against the impugned order, an efficacious remedy of Appeal is available under sub-Section (5) of Section 5 of the Act and without exhausting the said remedy, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to work out the remedy as

available under the Statute, the Writ Petition is disposed of. No costs.

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24th February, 2005.

Note:- CC in 3 days.

(B/O)

gbs

To

1 The Mandal Revenue officer, Moinabad Mandal, Moinabad, RR District.
2 The Asst. Director, Land Records & Survey Settlement Ranga Reddy District, Lakdi Ka Pul, Hyderabad.
3. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

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